



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

FOR IMMEDIATE RELEASE: May 27, 2005

Contact: Maria Velasquez, Communications Director: (619) 235-5725 (pager & voicemail) mvelasquez@saniego.gov

DA'S PROPOSED TAKEOVER OF THE CITY ATTORNEY'S MISDEMEANOR PROSECUTORIAL DUTIES DOESN'T ADD UP TO COST SAVINGS TO THE CITY

San Diego, CA: A preliminary study by the City Manager refutes District Attorney Bonnie Dumanis' contention that \$2 million would be saved by transferring the City Attorney's misdemeanor prosecutorial responsibilities to her jurisdiction. The report also includes a recently revised plan that would only transfer misdemeanor prosecutions related to State code violations. City Attorney Michael Aguirre says Dumanis was unable to prove her proposal; therefore she has no further business pursuing this ill-advised plan.

"This should put an end to the District Attorney's attempt at a backroom deal that is clearly not in the best interest of our citizens," said City Attorney Aguirre. "We now know her proposal had no substantive value. It merely was an ambush by the DA -- with the consent and knowledge of some City officials -- to take away the misdemeanor prosecutorial duties of the City Attorney because of our investigation into the City's finances and the City's \$1.4 billion unfunded employee pension plan."

On May 23, the City Attorney opined that his Office has jurisdiction over misdemeanors committed within the City limits, as mandated under the San Diego City Charter. The legal opinion states the City Council has no legal authority to transfer misdemeanor prosecutorial duties from the City Attorney to the DA without a vote of the people. In addition, Aguirre's conclusion is supported by a May 17, 2005 letter to him from State Attorney General Bill Lockyer in which Lockyer declined to weigh in on this matter. Lockyer stated that his office has long refrained from interpreting City Charters.

"The DA was wrong when she told the City Council they could transfer the City Attorney's prosecutorial responsibilities with a majority vote of the Council," said Aguirre. "I will take action against any elected City Official who attempts to violate our Charter mandated responsibilities."

On April 5, the DA, without any notice to the City Attorney, appeared before the City Council, where she made an elaborate Power Point presentation during public comment. Dumanis contended that she could save the City \$2 million by taking over the City Attorney's misdemeanor prosecutorial duties. Her "budget presentation" was an orchestrated effort led by Dumanis, Sheriff Kolender, Police Chief Lansdowne, the Mayor, City Manager and other members of the City Council. At the end of her presentation Dumanis told City Council members that she only wanted them to study her idea. Council member Scott Peters asked the Mayor to refer the proposal to the City Manager and the City Attorney and to properly docket the issue for discussion at an upcoming Council meeting.

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Draft:
Media Advisory:

**CITY ATTORNEY ANNOUNCES PRELIMINARY
STUDY OF DA'S PROPOSAL TO TAKEOVER ITS MISDEMEANORS**

When: Friday at 10 a.m.

**Where: City Attorney's Office
1200 Third Avenue, Suite 1620
Downtown San Diego**